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Attorney General of Hawaii

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Attorneys for Defendant
HOLLY T. SHIKADA, in her
Official Capacity as the Attorney
General of the State of Hawaii

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TODD YUKUTAKE and JUSTIN
SOLOMON,

Plaintiffs,

vs.

HOLLY T. SHIKADA, in her official
capacity as Attorney General for the
State of Hawaii,

Defendant.

CIVIL NO. 22-00323 JAO-KJM

DEFENDANT HOLLY T. SHIKADA,
IN HER OFFICIAL CAPACITY AS
ATTORNEY GENERAL FOR THE
STATE OF HAWAII'S AMENDED
ANSWER TO VERIFIED
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF;
CERTIFICATE OF SERVICE

DEFENDANT HOLLY T. SHIKADA, IN HER OFFICIAL CAPACITY
AS ATTORNEY GENERAL FOR THE STATE OF HAWAII'S
AMENDED ANSWER TO VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF

Defendant Holly T. Shikada, in her Official Capacity as Attorney General for the State of Hawaii ("Defendant"), by and through her attorneys, Caron M. Inagaki and Kendall J. Moser, Deputy Attorneys General, pursuant to Fed. R. Civ. P. 15(a)(1)(A), hereby amends her Answer [ECF No. 10] to the Verified Complaint for Declaratory and Injunctive Relief filed on July 25, 2022.

FIRST DEFENSE:

The Complaint fails to state any claim upon which relief can be granted against Defendant.

SECOND DEFENSE:

a. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 1, 2, 9, 15, 18, 29, 30, 31, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 79, and 80 of the Complaint.

b. For her answer to paragraph 3 of the Complaint, Defendant admits that she is the Attorney General of the State of Hawaii and that she is the chief law enforcement officer of the State of Hawaii. For her answer to the remainder of paragraph 3, Defendant states that the authorities cited therein speak for themselves.

c. Defendant denies the allegations in paragraphs 4, 73, 74, 77, 78, and 81 of the Complaint.

d. For her answer to paragraph 5 of the Complaint, Defendant admits that venue is proper with this Court.

e. For her answers to paragraphs 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 37, 46, 47, 48, 49, and 76 of the Complaint, Defendant states that the authorities cited in those paragraphs speak for themselves.

f. For her answers to paragraphs 72 and 75 of the Complaint, Defendant realleges her answers to the allegations realleged in those paragraphs.

g. Defendant denies each and every other allegation in the Complaint not heretofore admitted, controverted, and/or specifically denied.

THIRD DEFENSE:

Under the Eleventh Amendment to the Constitution of the United States, Defendant is immune from suit in federal court on Plaintiff's claims.

FOURTH DEFENSE:

Plaintiffs' claims are barred by the doctrine of sovereign immunity.

FIFTH DEFENSE:

Defendant did not personally participate in or cause the deprivations complained of.

SIXTH DEFENSE:

Plaintiffs lack standing to assert the claims in the Complaint.

SEVENTH DEFENSE:

This Court lacks subject matter jurisdiction over Plaintiffs' claims in the Complaint.

EIGHTH DEFENSE:

Plaintiffs' claims are not ripe for adjudication.

NINTH DEFENSE:

Based on the allegations in the Complaint, Defendant cannot formulate all of her defenses at this time, and reserves the right to amend her answer to include additional affirmative defenses if and when discovery justifies the same.

WHEREFORE, Defendant requests that the Complaint be dismissed with prejudice and that she be awarded her reasonable attorney's fees and costs and such other relief as this Court deems appropriate.

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DATED: Honolulu, Hawaii, September 7, 2022.

STATE OF HAWAII

HOLLY T. SHIKADA
Attorney General
State of Hawaii

/s/ Kendall J. Moser

KENDALL J. MOSER
Deputy Attorney General

Attorney for Defendant
HOLLY T. SHIKADA, in her
Official Capacity as Attorney
General for the State of Hawaii